

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )

v. )

DAVID WESTGATE )  
\_\_\_\_\_ )

CRIMINAL NO.: *03-10264-NG*

VIOLATION:

29 U.S.C. 501(c)

Embezzlement from a  
Labor Organization

INDICTMENT

The United States Grand Jury in and for the District of  
Massachusetts charges that:

COUNTS ONE THROUGH FIVE

(29 U.S.C. §501(c): Embezzlement from a Labor Organization)

On or about the dates set forth below, in the District of  
Massachusetts,

DAVID WESTGATE,

defendant herein, did embezzle, steal, and unlawfully and  
willfully abstract and convert to his own use or the use of  
another, the moneys, funds, property, and other assets of a labor  
organization of which he was an officer, in that the defendant,  
while serving as President of United Auto Workers Local 168,  
issued from the bank account of Local 168 the following checks,  
purportedly signed by the Financial Secretary-Treasurer of Local  
168, made payable to himself and in the amounts set forth below;  
endorsed the checks; and cashed the checks or deposited them into  
his own bank account, all without the authorization of Local 168.

<u>Count</u>	<u>Date of Check</u>	<u>Check Number</u>	<u>Amount</u>
1	12/23/2001	1037	\$ 520.41
2	1/10/2002	1039	\$1,103.89
3	1/19/2002	1040	\$1,004.29
4	1/22/2002	1041	\$ 215.68
5	1/24/2002	1042	\$1,000.12

All in violation of Title 29, United States Code, Section  
501(c).

COUNT SIX

(29 U.S.C. §501(c): Embezzlement from a Labor Organization)

On or about January 30, 2002, in the District of  
Massachusetts,

DAVID WESTGATE,

defendant herein, did embezzle, steal, and unlawfully and  
willfully abstract and convert to his own use or the use of  
another, the moneys, funds, property, and other assets of a labor  
organization of which he was an officer, in that the defendant,  
while serving as President of United Auto Workers Local 168,  
issued from the bank account of Local 168 check number 1044, in  
the amount of \$100.00, made payable to his wife, Amanda Westgate,  
the proceeds of which were later deposited into his own bank  
account, all without the authorization of Local 168.

All in violation of Title 29, United States Code, Section  
501(c).

COUNTS SEVEN THROUGH SIXTY-SEVEN

(29 U.S.C. §501(c): Embezzlement from a Labor Organization)

On or about the dates set forth below, in the District of  
Massachusetts,

DAVID WESTGATE,

defendant herein, did embezzle, steal, and unlawfully and  
willfully abstract and convert to his own use or the use of  
another, the moneys, funds, property, and other assets of a labor  
organization of which he was an officer, in that the defendant,  
while serving as president of United Auto Workers Local 168,  
issued from the bank account of Local 168 the following checks,  
made payable to himself and in the amounts set forth below;  
endorsed the checks; and cashed the checks or deposited them into  
his own bank account, all without the authorization of Local 168.

<u>Count</u>	<u>Date of Check</u>	<u>Check Number</u>	<u>Amount</u>
7	2/02/2002	1045	\$ 400.00
8	2/07/2002	1046	\$ 200.00
9	2/12/2002	1047	\$ 450.00
10	2/14/2002	1048	\$ 250.00
11	2/17/2002	1049	\$ 325.18
12	2/19/2002	1050	\$ 309.19
13	2/22/2002	1051	\$ 676.87
14	3/01/2002	1055	\$ 200.00

15	3/05/2002	1053	\$ 307.89
16	3/06/2002	1057	\$ 700.00
17	3/12/2002	1058	\$ 160.00
18	3/21/2002	1060	\$ 135.00
19	3/27/2002	1061	\$ 80.00
20	3/29/2002	1062	\$ 200.00
21	4/03/2002	1063	\$ 300.00
22	4/06/2002	1064	\$ 150.00
23	4/11/2002	1065	\$ 650.00
24	4/12/2002	1066	\$ 412.00
25	4/18/2002	1067	\$ 360.00
26	4/20/2002	1069	\$ 945.00
27	4/23/2002	1070	\$ 315.40
28	4/25/2002	1071	\$ 327.82
29	4/30/2002	1072	\$ 357.48
30	4/30/2002	1073	\$ 215.00
31	5/01/2002	1074	\$ 515.00
32	5/04/2002	1075	\$ 310.00
33	5/08/2002	1076	\$ 500.89
34	5/12/2002	1077	\$ 850.00
35	5/12/2002	1078	\$ 322.50
36	5/20/2002	1079	\$ 850.00
37	5/23/2002	1080	\$ 200.00
38	5/24/2002	1081	\$ 650.00
39	5/26/2002	1082	\$ 743.16

40	5/27/2002	1083	\$ 558.00
41	6/05/2002	1085	\$ 250.25
42	6/08/2002	1084	\$ 700.00
43	6/18/2002	1086	\$1,100.00
44	6/26/2002	1087	\$ 505.00
45	7/01/2002	1088	\$ 200.00
46	7/11/2002	1089	\$ 175.00
47	7/14/2002	1090	\$ 807.32
48	7/15/2002	1091	\$ 425.00
49	7/18/2002	1092	\$ 525.00
50	7/22/2002	1094	\$ 60.00
51	8/19/2002	1095	\$1,500.00
52	8/23/2002	1096	\$ 180.00
53	8/26/2002	1097	\$ 140.00
54	8/29/2002	1098	\$ 27.54
55	9/15/2002	1099	\$1,050.00
56	9/20/2002	1100	\$ 175.00
57	9/22/2002	1101	\$ 120.00
58	9/24/2002	1102	\$ 175.00
59	9/26/2002	1103	\$ 122.40
60	10/14/2002	1104	\$1,000.00
61	10/29/2002	1105	\$ 375.00
62	10/30/2002	1106	\$ 325.00
63	10/31/2002	1107	\$ 92.50
64	11/12/2002	1108	\$ 60.00

65	11/18/2002	1109	\$ 140.00
66	11/19/2002	1110	\$1,700.00
67	11/22/2002	1111	\$ 80.00

All in violation of Title 29, United States Code, Section  
501(c).

COUNT SIXTY-EIGHT

(29 U.S.C. §501(c): Embezzlement from a Labor Organization)

On or about March 21, 2002, in the District of Massachusetts,

DAVID WESTGATE,

defendant herein, did embezzle, steal, and unlawfully and willfully abstract and convert to his own use or the use of another, the moneys, funds, property, and other assets of a labor organization of which he was an officer, in that the defendant, while serving as president of United Auto Workers Local 168, caused an electronic funds transfer in the amount of \$1,986.30 to be made from the bank account of Local 168 at Compass Bank in New Bedford, Massachusetts to Town Fair Tire of North Dartmouth, Massachusetts, as payment for new tires and tire services for the defendant's 2001 GMC Sonoma pickup truck, all without the authorization of Local 168.

All in violation of Title 29, United States Code, Section 501(c).



FORFEITURE ALLEGATION

(18 U.S.C. § 981 and 28 U.S.C. § 2461(c))

1. As a result of the offenses in violation of 29 U.S.C. § 501(c) charged in Counts One through Sixty-Eight of this Indictment,

DAVID WESTGATE,

defendant herein, shall forfeit all property, real and personal, that constitutes, or is derived from, proceeds traceable to the commission of the offense, including but not limited to:

- (a) \$31,867.08;
- (b) Tires and other equipment purchased from Town Fair Tire for a 2001 GMC Sonoma pickup truck registered to the defendant.

2. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:


- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Section 981 and Title 28, United States Code, Section 2461(c).

A TRUE BILL

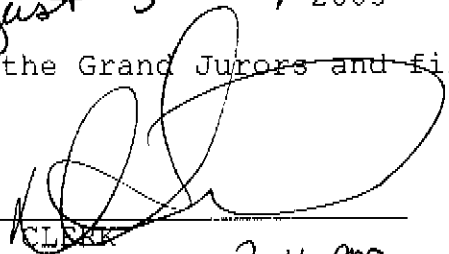
Donald J. Flanagan  
FOREPERSON OF THE GRAND JURY

  
THEODORE D. CHUANG  
Assistant United States Attorney

DISTRICT OF MASSACHUSETTS

August 5, 2003

Returned into the District Court by the Grand Jurors and filed.

  
DEPUTY CLERK

2:16pm